

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES PATTON,

CASE NO. 3:13-cv-50

Petitioner,

Judge Timothy S. Black  
Magistrate Judge Michael R. Merz

-vs-

SHERIFF EUGENE FISCHER, et al,

Respondents.

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JUDGMENT IN A CIVIL CASE

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[ ] **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

**Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendations (Doc. 14) of the United States Magistrate Judge is **ADOPTED**; the Petition (Doc. 2) is **DISMISSED** without prejudice pending exhaustion of all state court remedies. Petitioner is **DENIED** a certificate of appealability and the Court certifies to the United States Court of Appeals that an appeal would not be taken in objective good faith. The case is **TERMINATED** from the docket.

Date: June 11, 2013

**JOHN P. HEHMAN, CLERK**

By: s/ M. Rogers  
Deputy Clerk